

REMARKS/ARGUMENTS

In response to the Office Action mailed February 23, 2004, Claims 1-20 are pending in the present application.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

Cited Art Rejections

The Examiner rejected claims 1, 2, and 5-20 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Cotichini et al ("Cotichini") and Klein. The Examiner rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Cotichini and Klein and further in view of Isikoff. Applicant respectfully disagrees with the rejections.

With regard to independent claims 1, 6, and 13, the Examiner cites Hertel's method for providing protection against theft and loss of a vehicle as disclosing the recited invention based on Hertel's establishing boundary conditions within which a vehicle is authorized for use, tracking a position of the vehicle with a GPS unit, comparing the position to the boundary conditions to identify violation of the boundary conditions, and performing anti-theft routines when the position has violated the boundary conditions. The Examiner admits that Hertel does not disclose that the method is used in a portable computer system and does not disclose the recited aspect of utilizing a calling function to identify a location of the portable computer system based on GPS data from the GPS unit when the position has not violated the boundary

conditions. The Examiner then points to Cotichini and Klein for these features. Applicant respectfully disagrees.

Applicant respectfully submits that while Cotichini does discuss a portable computer system calling a host through a public switched telephone network to transmit identifying indicia and location information, there is nothing to teach or suggest that such a call occurs based on a condition that a tracked position has not violated boundary conditions. Cotichini does not utilize boundary conditions at all and thus offers no teaching or suggestion that a tracked position is a determining factor for a call being made.

In contrast, Applicant recites the utilization of a calling function to identify a location of the portable computer system when the position has not violated the boundary conditions and thus, the step occurs as part of the boundary check facility, as supported by the specification on page 8, lines 15-18 ("while the boundary check facility is enabled, a call is made ... to a preset phone number ... at preset intervals"). While the Examiner has stated that Applicant has failed to recite that 'a call occurs based on a condition that a tracked position has not violated boundary conditions,' Applicant respectfully disagrees. As recited in varying form in independent claims 1, 6, and 13, tracking/identifying a position of a portable computer system occurs. Based on the position, anti-theft routines proceed when the system violates the boundary conditions or a preset calling functionality proceeds at predetermined time periods when the system does not violate boundary conditions. Thus, Applicant believes that the occurrence of a call based on a condition that a tracked position has not violated boundary conditions is recited in the claims.

Further, there is nothing to teach or suggest that the calling performed in Cotichini could or would be combined with Hertel. Hertel discloses that its system "operates to continuously compare the vehicle's ground location with a permitted location data stored in the on-board data

base 16. If the two values do not agree, the kill switch 34 disables the vehicle's engine or motor." (Col. 4, lines 56-60, emphasis added) Applicant respectfully submits that since Hertel's system performs continuous comparisons and does nothing unless a mismatch is found, there is nothing to teach or suggest that anything else should occur while a match occurs, i.e., while a boundary condition has not been violated. Thus, even if the calling in Cotichini were somehow construed as occurring based on a condition that a boundary condition hadn't been violated, Applicant respectfully submits that there is nothing to teach or suggest how such a feature would or could be utilized with Hertel's continuous location comparison, nor how such a combination would result in Applicant's recited invention, where a tracked position of a portable computing system determines whether either anti-theft routines proceed or a preset calling functionality proceeds.

Further, the Examiner has cited Klein for teaching the use of GPS data from a GPS unit for identifying a location of a portable computer system and the use of a cellular calling facility in the form of a mobile telephone within the portable computer system. However, Applicant respectfully submits that even the inclusion of these features of Klein with Hertel and Cotichini fail to overcome the aforementioned deficiencies of Hertel in view of Cotichini in teaching or suggesting the recited invention.

In addition, while the Examiner cites Isikoff for teaching the utilization of a password in an anti-theft routine for a portable computer system, in view of the foregoing, Applicant respectfully submits that even the inclusion of Isikoff with Hertel, Cotichini, and Klein would not result in Applicant's recited invention, including the utilization of cellular calling functionality at preset intervals to identify a potential theft when boundary conditions have not been violated that identifies a location of the portable computer system, including identification of a location based

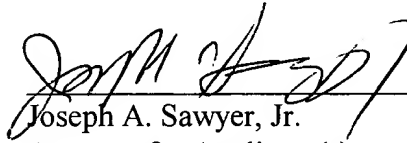
on GPS data. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

May 24, 2004



Joseph A. Sawyer, Jr.
Attorney for Applicant(s)
Reg. No. 30,801
(650) 493-4540